

# **APPENDIX H**

## **Public Participation Process**

**LEGAL NOTICE OF PUBLIC HEARING**  
**Redesignation Petition and Maintenance Plan**  
**in association with the 8 hour ozone standard,**  
**for Delaware County.**

Notice is hereby given under 40 CFR 51.102 that the Indiana Department of Environmental Management (IDEM) will hold a public hearing on Monday, July 25, 2005. The purpose of this hearing is to receive public comment on the Draft Redesignation Petition and Maintenance Plan in association with the 8 hour ozone standard, for Delaware County. The meeting will convene at 6:00 p.m. (local time) in the City Hall Auditorium, 300 North High Street, Muncie, Indiana. All interested persons are invited and will be given opportunity to express their views concerning the draft documents.

This Redesignation Petition and Maintenance Plan is being drafted and submitted consistent with United States Environmental Protection Agency (USEPA) guidance.

Copies of the draft documents are available to any person upon request and at the following locations:

- Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate, Room N1003, Indianapolis, Indiana.
- Muncie-Center Township Public Library, 315 West Adams, Muncie, Indiana.
- Yorktown-Mt.Pleasant Township Community Library, 8920 West Adaline, Yorktown, Indiana.

Oral statements will be heard, but for the accuracy of the record, statements should be submitted in writing. Written statements may be submitted to the attendant designated to receive written comments at the public hearing.

IDEM will also accept written comments through July 29, 2005. Mailed comments should be addressed to:

Delaware County Redesignation Petition and Maintenance Plan  
Kathryn Watson, Chief  
Air Programs Branch, Office of Air Quality – Mail Code 61-50  
100 North Senate Avenue  
Indiana Department of Environmental Management  
Indianapolis, IN 46206-2251

A transcript of the hearing and all written submissions provided at the public hearing shall be open to public inspection at IDEM and copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of actions resulting from the hearing.

Ind. Dept. of Environmental  
(Governmental Unit)

To:

The Star Press

MANAGEMENT  
Redesignation Petition  
+ MAINTENANCE PLAN

County, Indiana

Muncie, IN

## PUBLISHER'S CLAIM

## LINE COUNT

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\_\_\_\_\_ lines, \_\_\_\_\_ columns wide equals 100 equivalent  
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\$ 31.93

Additional charge for notices containing rule or tabular work  
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Charge for extra proofs of publication  
(\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 31.93

## DATA FOR COMPUTING COST

Width of single column 7.4 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Ch. 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: 06/24/, 20 05Title: Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss

Delaware County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Sosie M. James who,

being duly sworn, says that she is clerk of The Star Press newspaper of general circulation printed and published in the English language in the city of Muncie in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for

time \_\_\_\_\_, the dates of publication being as follows:

JUNE 24, 2005

Subscribed and sworn to before me this

28

day of

JUNE, 20 05

Notary Public

LINDA G. HESSLER, NOTARY PUBLIC

My Commission expires:

MY COMMISSION EXPIRES NOV. 28, 2007

RESIDENT OF DELAWARE COUNTY, INDIANA



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
*We make Indiana a cleaner, healthier place to live.*

Mitchelle E. Daniels, Jr.  
Governor

Thomas W. Easterly  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
(800) 451-6027  
www.IN.gov/idem

Mucie Star Press  
P.O. Box 2408  
Muncie, Indiana 47307

Phone: 765-213-5700  
Fax: 765-213-5758

Date: June 20, 2005

**FILE**

**ATTENTION: PUBLIC NOTICES - LEGAL ADVERTISING SECTION**

Enclosed please find Indiana Department of Environmental Management Public Hearing Legal Notices(s) concerning Air Pollution Control Board Rules.

**Pease print one time, on or before SATURDAY, JUNE 25, 2005**, in order for us to satisfy our statutory requirements.

Please send a notarized form no. 99p and/or publisher's claim, together with the clipping, showing the date of publication and your Federal ID number to:

**MAIL TO:**

**Attn: Karol Chuma, Room N1001  
Indiana Department of Environmental Management  
100 N. Senate Avenue, Mail Code 61-50  
Indianapolis, Indiana 46206**

If you have any questions, please call me at 317-233-0426. Thank you.

Sincerely,

Karol T. Chuma  
Rules Development Section  
Office of Air Quality

Enclosures

**For Office Use Only**

**LEGAL NOTICE OF PUBLIC HEARING**

Redesignation Petition and Maintenance Plan In  
Association With The 8 Hour Ozone Standard, For  
Delaware County

Attn: Scott Deloney & Sandra Robinson

TO: ACCOUNTING  
IGCN - Room 1345

FROM: KAROL T. CHIMA  
IGCN - 1001  
RULES SECTION  
OFFICE OF AIR QUALITY

DATE: 6-20-05

Note: Please send a copy of the paid  
publication to Mane Star Press  
to Medium Menche, MD

The attached invoice for publication of  
public notice is approved for payment.

ACCOUNT # 3610/140900

## ENVIRONMENTAL MANAGEMENT

MARION COUNTY, INDIANA

To: INDIANAPOLIS NEWSPAPERS  
307 N PENNSYLVANIA ST - PO BOX 145  
INDIANAPOLIS, IN 46206-0145

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Copies of the draft documents  
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Office of Air Quality, Indiana  
Government Center North, 100  
North Senate, Room N1003,  
Indianapolis, Indiana.

Muncie-Center Township Pub-  
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Yorktown-Mt. Pleasant Town-  
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Plan, Kathryn Watson, Chief  
Air Programs Branch, Office of  
Air Quality - Mail Code 61-50,  
100 North Senate Avenue  
Indiana Department of  
Environmental Management  
Indianapolis, IN 46204-2251

A transcript of the hearing and  
all written submissions pro-  
vided at the public hearing  
shall be open to public inspec-  
tion at IDEM and copies may  
be made available to any per-  
son upon payment of repro-  
duction costs. Any person  
heard or represented at the  
hearing or requesting notice  
shall be given written notice of  
actions resulting from the  
hearing.

For additional information, con-  
tact Krista Gremos, at  
the Indiana Department of  
Environmental Management,  
Office of Air Quality, Rm 1001,  
Indiana Government Center  
North, 100 North Senate Ave.  
Indianapolis or call

(317) 233-5680 or  
(800) 451-6027 ext. 3-5680  
(in Indiana).

Kathryn Watson, Chief  
Air Programs Branch  
Office of Air Quality

Individuals requiring reason-  
able accommodations for par-  
ticipation in this hearing  
should contact the IDEM  
Americans with Disabilities  
Act (ADA) coordinator at:

Attn: ADA Coordinator  
Indiana Department  
of Environmental Management

Mail Code 50-10,  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

Or call (317) 233-1785 (voice)  
or (317) 232-6565 (TDD).  
Please provide a minimum of  
72 hours notification.

(S-6/28-3861124)

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## COMPUTATION OF CHARGES

115.0 lines 1.0 columns wide equals 115.0 equivalent

lines at 356 cents per line

Additional charge for notices containing rule and figure work (50 per cent of  
above amount)

Charges for extra proofs of publication (\$1.00 for each proof in excess of two)

## TOTAL AMOUNT OF CLAIM

## DATA FOR COMPUTING COST

Width of single column 7.83 ems Size of type 5.7 point

Number of insertions 1.0

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after  
allowing all just credits, and that no part of the same has been paid.

DATE: 06/23/2005

80515-3861124

Karen Mullins Clerk  
Title

## PUBLISHER'S AFFIDAVIT

State of Indiana SS:  
MARION County

Personally appeared before me, a notary public in and for said county and state,

the undersigned Karen Mullins who, being duly sworn, says that SHE is clerk

of the INDIANAPOLIS NEWSPAPERS a DAILY STAR newspaper of general circulation

printed and published in the English language in the city of INDIANAPOLIS in state

and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for 1 time(s), between the dates of:

06/23/2005 and 06/23/2005

Karen Mullins Clerk  
Title

Subscribed and sworn to before me on 06/23/2005

Kimberly R. Hacker Notary Public  
Kimberly R. Hacker  
Notary Public, State of Indiana  
County of Morgan

My commission expires:

My Commission Expires May 13, 2010

Form 65-REV 1-88

## STATE PRESCRIBED FORMULA

7.83 PICA COLUMN - 94 POINT

94 POINTS / 5.7 PT. TYPE - 16.49

16.49 EMS / 250 - .06596 SQUARES

.06596 SQUARES x \$5.14 - .339 CENTS PER LINE

## RATE PER LINE

PUBLISHED 1 TIME = .339

PUBLISHED 2 TIMES = .509

PUBLISHED 3 TIMES = .679

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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Mitchelle E. Daniels, Jr.  
Governor

Thomas W. Easterly  
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100 North Senate Avenue  
Indianapolis, Indiana 46204  
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(800) 451-6027  
www.IN.gov/idem

Indianapolis Star & News  
P.O. Box 145  
Indianapolis, Indiana 46204

Date: June 20, 2005

**FILE**

Phone: 317-444-7163  
Fax: 317-444-8806

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Note: Please send a copy of the paid  
publication to *Indianapolis*

*Star-News*

The attached invoice for publication of  
public notice is approved for payment.

ACCOUNT # 3610/140900



## **SUMMARY OF COMMENTS RECEIVED DURING PUBLIC HEARING**

A hearing to receive public comments on the Draft Redesignation Petition and Maintenance Plan in association with the 8-hour ozone standard for Delaware County was held on Monday, June 25, 2005 at 6:00 p.m. in the City Hall, 300 North High Street, Muncie, Indiana.

Attendees at the public hearing included, Marta Moody (Director, Delaware-Muncie Metropolitan Plan Commission), Hugh Smith (Principal Planner, Delaware-Muncie Metropolitan Plan Commission), Sarah Raymond (Environmental Manager, IN Dept of Environmental Management (IDEM)) and Scott Deloney (Section Chief, IN Dept of Environmental Management (IDEM)).

Marta Moody and Hugh Smith posed several questions seeking clarification on statements that were made in reference to the Maintenance Plan. These questions were specifically related to transportation conformity. Sarah Raymond and Scott Deloney provided further clarification to these questions. No formal comments on the 8-hour Ozone Redesignation Petition and Maintenance Plan were made.

STATE OF INDIANA )  
COUNTY OF MARION )

BEFORE THE INDIANA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

COPY

IN THE MATTER OF: )  
REDESIGNATION PETITION AND )  
MAINTENANCE PLAN )  
IN ASSOCIATION WITH THE 8-HOUR )  
OZONE STANDARD FOR DELAWARE COUNTY )

The above-captioned hearing was held at City  
Hall, 300 North High Street, Delaware County, Muncie,  
Indiana, on July 25, 2005, commencing at 6:00 p.m.

Wm. F. Daniels d/b/a  
ACCURATE REPORTING OF INDIANA  
12922 Brighton Avenue  
Carmel, Indiana 46032  
(317) 848-0088

A P P E A R A N C E S

**HEARING OFFICER FOR THE INDIANA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT:**

Ms. Sarah Kay Raymond  
Environment Manager  
Program Planning & Policy Section  
Indiana Department of  
Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46206

Mr. Scott A. Deloney  
Chief  
Program Planning & Policy Section  
Indiana Department of  
Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46206

July 25, 2005

6:00 p.m.

HEARING OFFICER RAYMOND: This is a public hearing to accept comments concerning the Draft Redesignation Petition and Maintenance Plan in association with the 8-hour ozone standard for the Muncie Area. This hearing is being held to conform to the provisions in 40 CFR Part 51 regarding public hearings for State Implementation Plan submittals.

My name is Sarah Raymond. I am an Environmental Manager for the Planning and Policy Section of the Indiana Department of Environmental Management's Office of Air Quality. I have been appointed to act as hearing officer for this public hearing.

Notice of the time and place of the hearing was given as provided by law by publication in the following newspapers: The Indianapolis Star in Indianapolis and The Star Press in Muncie. The purpose of this public hearing is to provide interested persons an opportunity to offer comments to the State regarding the Draft Redesignation Petition and Maintenance Plan for the Muncie Area.

Appearance blanks have been distributed in the hearing room for all those desiring to be shown appearing on the record in this cause. If you have

1 not already filled out the form, please do so and  
2 indicate if you are appearing for yourself or on  
3 behalf of a group or organization and identify such  
4 group or organization. Also, note the capacity in  
5 which you appear, such as, attorney, officer, or  
6 authorized spokesperson.

7 Any person who is heard or represented at this  
8 hearing or who requests notice may be given written  
9 notice of the final action taken on the State  
10 Implementation Plan submittal. Please indicate on the  
11 appearance card if you wish to receive this  
12 notification. When appearance cards have been  
13 completed, they should be handed to me and I will  
14 include them with the official record of this  
15 proceeding.

16 Oral statements will be heard, but written  
17 statements may be handed to me or mailed to the Office  
18 of Air Quality on or before the close of business on  
19 July 28, 2005. A written transcript of this hearing  
20 is being made. The transcript will be open for public  
21 inspection and a copy of the transcript will be made  
22 available to any person upon payment of the copying  
23 cost.

24 After the conclusion of this public hearing, I  
25 will prepare a written report summarizing the comments

1 received at this hearing and recommending changes  
2 which may need to be made to this document. I would  
3 like to introduce the following documents into the  
4 record: Notice of Public Hearing, which is this, the  
5 Draft Redesignation Petition and Maintenance Plan for  
6 the Muncie Area.

7 Finally, I would like to briefly go over the  
8 contents of this draft document. In 1997, the United  
9 States Environmental Protection Agency established a  
10 new, more stringent standard for ozone, referred to as  
11 the 8-hour ozone standard. The standard itself was  
12 established at 0.08 parts per million measured over an  
13 eight-hour period. Within the Guidelines On Data  
14 Handling Conventions For The 8-Hour Ozone, National  
15 Ambient Air Quality Standard, published by the U.S.  
16 EPA in December of 1998. The U.S. EPA established  
17 parts per million, ppm, and three significant figures  
18 as the basis for computation of 8-hour ozone  
19 concentrations.

20 In accordance with this guidance, three  
21 significant digits are used to determine an area's  
22 design value and for conducting attainment tests.  
23 Specifically, because the third decimal digit is  
24 rounded, 0.084 ppm is the largest concentration that  
25 is less than or equal to the standard of .08 ppm.

1 Therefore, an ozone concentration equal to or greater  
2 than 0.085 parts per million is considered to be above  
3 or in violation of the standard.

4 Legal challenges to the new standard for ozone  
5 resulted in delayed implementation of the standard  
6 until February 2001, when the Supreme Court ruled that  
7 the U.S. EPA could proceed with implementation of the  
8 new standard, providing that the U.S. EPA  
9 implementation is consistent with the Clean Air Act.  
10 The U.S. EPA's first action in implementing the new  
11 standard for ozone was to designate areas throughout  
12 the country as attainment, nonattainment, or  
13 unclassifiable.

14 The Muncie Area, specifically Delaware County,  
15 was designated nonattainment under the 8-hour ozone  
16 standard on April 15, 2004. This designation was  
17 based on a monitored design value of 0.088 parts per  
18 million. This design value derived from an average of  
19 the annual fourth highest ozone values over the  
20 previous three years, those being 2001 through 2003.  
21 At the conclusion of the 2004 ozone season, the  
22 monitor within the Muncie Area measured air quality  
23 that meets the ambient air quality standards for  
24 ozone.

25 The most recent design value for the area is

1 0.083 parts per million, which is based on the average  
2 of the annual fourth highest ozone values for the  
3 years 2002 through 2004. This design value represents  
4 ozone concentrations that are below the National  
5 Ambient Air Quality Standard, thus the area is  
6 eligible to be redesignated to attainment under the  
7 8-hour ozone standard and classified as maintenance.

8 The Indiana Department of Environmental  
9 Management has prepared the Draft Redesignation  
10 Petition and Maintenance Plan for the Muncie Area in  
11 accordance with U.S. EPA guidance. The draft petition  
12 outlines a demonstration that the area has attained  
13 the standard based on monitored concentrations and  
14 that the reductions in monitored concentrations are  
15 attributable to permanent and enforceable reductions  
16 and precursor emissions, specifically reductions of  
17 both volatile organic compounds and oxides of  
18 nitrogen.

19 Furthermore, the draft maintenance plan outlines  
20 the following: Precursor emissions of volatile  
21 organic compounds and oxides of nitrogen will continue  
22 to decline into the future. Due to existing and  
23 future emission controls, the area's air quality is  
24 not projected to worsen and should improve further  
25 over time. A commitment for all existing emission



1 controls to remain in place. A commitment to revise  
2 the plan within eight years of redesignation. A  
3 commitment to adopt and expeditiously implement  
4 necessary corrective actions if a warning or action  
5 level response is triggered. A warning level response  
6 is triggered by a one-year fourth high monitor value  
7 of 0.088 parts per million. An action level response  
8 is triggered by a two-year average fourth high monitor  
9 value of 0.085 parts per million. A mobile source  
10 emissions budget for transportation conformity  
11 purposes.

12 This concludes my comments regarding the Draft  
13 Redesignation Petition and Maintenance Plan for the  
14 Muncie Area. This hearing is now open for public  
15 comment. Are there any public comments?

16 MS. MOODY: What was the statement that you made  
17 concerning revisiting in eight years? Revisit the  
18 plan in eight years?

19 MR. DELONEY: The maintenance plan has a ten-year  
20 horizon. Since it was developed in 2005, our horizon  
21 currently is 2015. So in 2013, we have to revisit the  
22 maintenance plan and extend the horizon for ten years  
23 beyond 2015. So 2013, we will be revising this  
24 maintenance plan and turning it into a 2025.

25 MS. MOODY: So when you revise the -- in 2013

1 when you work on revisions, then will we look again at  
2 the VOC and NOX emissions. And, like, I forget what  
3 our budget ended up being with the 2015 projection,  
4 but we will do a similar thing?

5 MR. DELONEY: Exactly. Your conformity budget,  
6 when we do the eight years from now, will be for the  
7 year 2025. It probably will not get approved until  
8 2014, so you will use 2015 and 2025 for budget  
9 purposes. But then for 2015 and after, your only  
10 budget that will apply will be that 2025.

11 MS. MOODY: Not that I'm going to be around, but  
12 when you start working on it in 2015, our next plan  
13 update will be '08. And then '09, '10, '11, '12, '13,  
14 '14 -- so when we do a plan update in '14 and we  
15 calculate conformity, will you then at that point use  
16 figures to plug into the budget?

17 MR. DELONEY: Exactly. In 2013, we will be doing  
18 exactly what we did this year, in coordination  
19 with whatever is the most recent plan update at that  
20 time, we will coordinate with you. Is 2025 an  
21 analysis year right now?

22 MS. MOODY: Uh-huh.

23 MR. DELONEY: So we'll just coordinate with you.  
24 So when you do 2025 or whatever is your most recent  
25 plan update, which will be 2014, the numbers that we

1 are doing for 2025 work the same. At that time your  
2 horizon is going to be 2045. Wow.

3 MS. MOODY: Right now it's '30, so you add 25 to  
4 that or if you go 25, 35 --

5 MR. DELONEY: Right. If we're talking ten years  
6 from now, then it would be at least 2040. Yeah,  
7 that's exactly what we'll be doing.

8 HEARING OFFICER RAYMOND: Plus, right now we use  
9 2002 as the base emission year and every three years,  
10 they do that inventory. So in 2013, it will be  
11 another base year inventory to use when you guys go  
12 into your conformity budgets.

13 MS. MOODY: Gotcha.

14 MR. DELONEY: Now, your conformity budgets can  
15 change too. You do your next plan update to determine  
16 that you're predicting VMT growth and that you don't  
17 have the wiggle room that appeared that you had before  
18 or if you'd actually do a run and see or something  
19 comes along; I-69 results in far more traffic than  
20 what you were anticipating or major roadway  
21 improvements really change travel flow and impacts  
22 emission because of the alteration in speed. We can  
23 at that time go and revise your conformity budget. We  
24 can go through the exact same process we are going  
25 through right now to revise it.

1 MS. MOODY: Oh, really?

2 MR. DELONEY: Yeah. Our State Implementation  
3 Plan is just like your Transportation Plan. It's only  
4 there until it needs to be revised.

5 MS. MOODY: Until it needs to be amended. But  
6 you have mandatory update times, though?

7 MR. DELONEY: Ours is eight years where yours is  
8 three.

9 MS. MOODY: But any time during that eight years,  
10 like you were saying, we could do an amendment if  
11 necessary. That's good to know.

12 MR. SMITH: That's good, because we're fairly a  
13 static growth area for right now and we don't know if  
14 that will change, and if it does then that will alter  
15 things.

16 MR. DELONEY: Right. And your growth trends are  
17 what's assumed in your forecast for the future. So,  
18 yeah, if there is some change unexpected that changes  
19 things for 2020, '25, any analysis year, we can go  
20 back and update the maintenance plan accordingly.

21 MS. MOODY: Are copies of that available, of the  
22 maintenance plan?

23 HEARING OFFICER RAYMOND: Yes. We have them.

24 MR. DELONEY: There are three of them.

25 MS. MOODY: Perfect.

1 MR. DELONEY: If I'm not mistaken, I believe that  
2 one of the appendices is actually your --

3 HEARING OFFICER RAYMOND: Yeah. It's Appendix G  
4 is the conformity plan.

5 MR. DELONEY: "G," right here (indicating). It's  
6 actually a copy of your --

7 HEARING OFFICER RAYMOND: Transportation plan.

8 MS. MOODY: Very good.

9 MR. DELONEY: It's your air quality  
10 documentation. Because this documents exactly how the  
11 emission estimates are prepared. The raw data  
12 associated with VMT and your travel demand model and  
13 everything else.

14 MS. MOODY: So what's the time line, your  
15 submitting this to the EPA?

16 MR. DELONEY: The public comment period closes  
17 this Friday at 4:30, so then next week we will be --  
18 obviously, we need written comments. We didn't get  
19 any oral or comment forms, so if we receive any  
20 comments via the mail, which we hadn't yet by Friday,  
21 then next week we would log those comments in, develop  
22 formal responses to those, establish the public  
23 participation component of the plan, because there is  
24 a placeholder in there, then as soon as we have the  
25 transcript, we'll be doing a final submittal in two

1 weeks. So within two weeks, we will be making a final  
2 submittal to U.S. EPA.

3 The Evansville redesignation petition was the  
4 first one that we had done and we held our hearing the  
5 end of April. We made that submittal on June 2nd.  
6 And the publication for notice of approval is  
7 September 2nd, and that's the first notice that EPA  
8 has written in association with the 8-hour standard.  
9 So that one is basically setting the stage, everything  
10 else should just click.

11 MS. MOODY: So from June 2nd to September 2nd,  
12 three months, is that a mandatory time or just the  
13 time they take?

14 MR. DELONEY: No, no, no, no. That's for Region  
15 5 U.S. EPA to work with their headquarters since this  
16 is the first approval. They don't have a  
17 implementation rule or guidance that states how to  
18 draft a redesignation petition and maintenance plan  
19 under the 8-hour standard yet. So they have to  
20 coordinate with their legal counsel as well as  
21 headquarter's staff since Region 5 U.S. EPA is  
22 actually drafting the federal registered notice. So  
23 that's the only reason why it's taking so long to get  
24 out of the pipeline.

25 But for yours, our submittal will be made in no

1 later than the end of the first week in August, and  
2 they will probably -- my guess is by mid-September,  
3 publish a Notice of Proposed Action indicating we've  
4 reviewed this, it's complete, we're proposing to  
5 approve based on the following technical  
6 documentation. Then they take comment for 30 days and  
7 then they draft the final. So basically their process  
8 is just like our process.

9 MS. MOODY: So possibly November?

10 MR. DELONEY: My guess is November. Right.  
11 Let's see, end of September through October, so, yeah,  
12 by the end of November, they should publish a final  
13 notice of approval in the federal register and then  
14 there will be an effective date. Thirty days from the  
15 date of publication, their action is effective. So  
16 sometime this December the area would formally be  
17 reclassified. They will be designated attainment and  
18 classified as maintenance.

19 HEARING OFFICER RAYMOND: Doesn't the EPA also  
20 have another comment period when they do their  
21 formal --

22 MR. DELONEY: The final?

23 HEARING OFFICER RAYMOND: Yeah.

24 MR. DELONEY: There is an opportunity to comment,  
25 but they can go direct final if they don't --

1 depending on the level of comment they receive during  
2 that draft notice, so if there is anything  
3 controversial.

4 MS. MOODY: I can't imagine why anybody would  
5 comment in opposition to it. Well, okay, maybe if it  
6 was an environmental group, they might feel like it  
7 was premature or the standard budget was too high. I  
8 don't know. It seems odd that anybody would argue.

9 MR. DELONEY: The only adverse comment that we've  
10 received with regard to a redesignation petition thus  
11 far, is that we should wait to see what happens until  
12 the end of this ozone season just to make sure it was  
13 due to controls and not ideal weather conditions  
14 during last summer. But we already see that 2005  
15 isn't going to pan anything different then what we saw  
16 last year. Because, for example, the fourth high  
17 value for Delaware County would have to be 100 parts  
18 per billion and the highest value ever recorded in  
19 Delaware as a fourth high is 95.

20 So 2002 was the worst ozone that Indiana has seen  
21 in decades and even that represents the 95 for  
22 Delaware County. And it didn't even approach what the  
23 critical value is for what we have to hit for the area  
24 to be back in violation of the standard.

25 MS. MOODY: Oh, good. Because it's, like, I've



1     wondered about that, not that it makes any difference  
2     to us now. But from an air quality standpoint, I've  
3     wondered what, you know, like, what we would need to  
4     hit. But that's a lot higher than I realized, because  
5     I was afraid if we hit, you know, like, .088 or  
6     whatever, I'm going oh, gosh.

7           MR. DELONEY: No. No. The area is in the clear  
8     and in the clear soundly. That's not to say if we had  
9     two really bad ozone seasons back to back that it  
10    wouldn't be in violation again, but it's not going to  
11    happen this year. Let's say it happens next year or  
12    in 2007 or '08, we are not too concerned about that in  
13    the area of being redesignated to nonattainment.  
14    Redesignations don't happen, that's what the  
15    maintenance plan is for. So what we would do is, we  
16    would go in and take a look and see, okay, are there  
17    sufficient controls to ensure that this area, this  
18    pattern of violations, doesn't continue into the  
19    future.

20           And now we have the technical support through our  
21    chemical modeling that shows 2009, 2010, what the  
22    projected design values are based on what federally  
23    enforceable controls are kicking in. And your  
24    projected design values for what represents the  
25    attainment deadline now, 2009, is in the low 70s.

1 So things are only going to get better, not worse.

2 MS. MOODY: Yeah. That is good. So did I follow  
3 that right, once you become a maintenance area, your  
4 designated attainment will become a maintenance area?

5 MR. DELONEY: Right.

6 MS. MOODY: Did you say you can't be redesignated  
7 back to nonattainment?

8 MR. DELONEY: You can be redesignated to  
9 nonattainment, but that process is extremely  
10 difficult. What would happen is that there would have  
11 to be some sort of SIP failure. The maintenance has a  
12 trigger. Sarah had, in the script, read about the  
13 warning level trigger and the action level trigger.  
14 The redesignation part of this document is more or  
15 less a request: Hey, EPA, we've attained a standard  
16 based on monitoring data, we're eligible to be  
17 redesignated. The maintenance is where we're saying  
18 not only has the area attained the standard, it will  
19 continue to attain the standard. If any backsliding  
20 occurs, the following actions will be taken.

21 So if, for example, we hit an 88 as a fourth high  
22 just in one year, we initiate a study; why did that  
23 happen? Is it necessary for us to take further  
24 action? Then if we have a two-year average above the  
25 standard, then we're really concerned because we're

1 really on the wrong path. Then we will take a closer  
2 look at, okay, is action necessary and, if so, what  
3 steps will be taken now. And then what we will do is  
4 file a report to EPA, and as long as we're meeting our  
5 commitments within the maintenance plan, EPA wouldn't  
6 take action to have the area redesignated. And that's  
7 where, in our case, we would use our photochemical  
8 modeling: Okay, so the area had two really bad years,  
9 but look at what's coming down the pike in terms of  
10 federal controls. We shouldn't have to implement any  
11 additional controls now or have the area redesignated  
12 when the projected air quality is well below the  
13 standards.

14 MS. MOODY: How is Indianapolis doing?

15 MR. DELONEY: Sarah and I were just talking about  
16 that as we were waiting for the hearing tonight.  
17 Because Indianapolis is in a much different position  
18 than most of the areas in the state, by the end of  
19 2005, our portion of the Greater Chicago Area and  
20 Indianapolis are probably going to be the only two  
21 areas in violation of the ozone standard.

22 Fort Wayne, South Bend, Elkhart, Goshen, and even  
23 our portions of the Louisville Area should come into  
24 compliance by the end of this year. Indianapolis and  
25 Northwest Indiana are the only two that that is not

1 going to happen for and it's not going to happen the  
2 year after either. Those areas are probably going to  
3 have to institute additional controls in order to  
4 comply to the standard by their assigned deadline of  
5 2009 and 2010 for Greater Chicago.

6 So the type of plan that we'll be writing is  
7 going to be much different. This is what we're going  
8 to do in order to attain the standard, not that we've  
9 attained the standard because of the following. The  
10 difference if you look at -- right now the difference  
11 between the fourth high value for Delaware County and  
12 the fourth high value for Indianapolis is 11 parts per  
13 billion difference.

14 In Muncie, the monitor in Delaware County  
15 represents the downwind site for Greater Indianapolis,  
16 since Madison County is actually part of that Nine-  
17 County Area. So it's the closest downwind monitor  
18 outside of that Nine-County Region. Then we have two  
19 monitors halfway between the Ohio River and the Nine-  
20 County Central Indiana Region. One is in Jackson  
21 County and one is in Greene County, and those monitors  
22 are reading about 11 parts per billion, 11 to 14 parts  
23 per billion, different than Indianapolis.

24 MS. MOODY: Less?

25 MR. DELONEY: Right now. The fourth high for

1     2005. Those areas that were projected to benefit from  
2     reductions in regional transport, appear to really be  
3     benefiting, 2004 represented that, but we had a very  
4     mild summer too. 2005, we've had the ozone conducive  
5     conditions, but the values have been substantially  
6     lower in those areas.

7             So as we mentioned during our public meeting a  
8     year ago, Muncie's ozone values really are  
9     attributable to transport more so than local  
10    contributions and the components to that transport  
11    have been reduced starting last year.

12            MS. MOODY: Good. That is good. And one of the  
13    reasons I asked about Indianapolis was, like you said,  
14    obviously there is some wind carryover into our area  
15    from Indianapolis. I realize that, and who knows how  
16    much. I don't think you can measure that exactly, but  
17    there is an impact. So I was just curious how  
18    Indianapolis was doing.

19            MR. DELONEY: Sarah was actually the author to  
20    this document and she looked at the Greater  
21    Indianapolis Area from a regional perspective, in  
22    looking at what does the future hold for us. Just  
23    because emissions are reducing in Delaware County, if  
24    everything around it doesn't reduce, then air quality  
25    in Delaware County doesn't necessarily improve.

So she did look at that Nine-County Central Indiana Region as well as all of the power plants beyond there that could influence monitored values here and still it's only going to get better. But that's not taking into account what Indianapolis is going to have to do to attain the standard, that's just based on what is on the books now. So if they adopt a cleaner motor fuel, for example, it's going to significantly reduce both VOC and NOX. And as a result, air quality is not just going to improve in Central Indiana, you will even see further benefit here.

MS. MOODY: That's encouraging.

MR. DELONEY: That's encouraging all the way around. Any other questions or comments?

MS. MOODY: I can't think of any.

HEARING OFFICER RAYMOND: In the absence of any further comments, these proceedings are hereby concluded. This hearing is adjourned.

7:00 p.m.

1STATE OF INDIANA       )  
                                  )SS:  
2COUNTY OF HAMILTON )

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4           I, Sherri L. Rutledge, a Notary Public in and for  
5the State of Indiana, do hereby certify that the foregoing  
6hearing was held on July 25, 2005, at City Hall, in  
7Muncie, Indiana.

8

9           That said hearing was taken down in stenograph  
10notes and afterwards reduced to typewriting by me; that  
11the typewritten transcript is a true and complete record  
12of the proceedings at the hearing;

13

14           I do further certify that I am a disinterested  
15person in this matter, that I am not a relative or  
16attorney of any of the parties, or otherwise interested in  
17the employ of any of the parties.

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1           IN WITNESS WHEREOF, I have hereunto set my hand  
2 and affixed my notarial seal this 15th day of August,  
3 2005.

4

5

Sherri L. Rutledge, Notary Public  
6       Residing in Hamilton County, Indiana

7

8

9 My Commission Expires  
10       September 25, 2011

SHERRI L. RUTLEDGE  
          Printed Signature

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